

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**EMILIO LIRA**

**VS**

**EDWARD JONES INVESTMENTS  
A/K/A EDWARD D. JONES & CO. L.P.**

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**Civil Action No. 5:16-CV-1028-DAE**

**AMENDED MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PONCIO LAW OFFICES, a Professional Corporation., Movant herein, and files this Motion to Withdraw as Counsel of Record for the Plaintiff, EMILIO LIRA, in the above entitled and numbered cause and in support thereof, would show the Court the following:

1. This case is not yet set for trial.
2. Although Plaintiff previously expressed agreement with counsel's intent to withdraw he has changed his opinion and now opposes withdrawal. As such, he was unwilling to sign a consent to the withdrawal
3. Movant would show the Court that a conflict has arisen between Plaintiff and Movant regarding advice and recommendations by the attorneys. Additionally, there has been a breakdown in communication that makes it impossible for the representation to continue. For these reasons, Movant respectfully requests this Court for leave to withdraw as counsel of record for Plaintiff. Movant requests that all deadlines in this matter be moved for 90 days so Plaintiff may seek other counsel.
4. Movant would further show the Court that counsel has informed Plaintiff of his intent to

withdraw.

5. Counsel has provided Plaintiff with a letter indicating that the motion to withdraw was filed and Plaintiff has discussed the case with other attorneys.

6. Plaintiff's last known address is:

10257 Southwell Road, San Antonio, Texas 78240. His phone number is (210) 289-6823.

WHEREFORE, PREMISES CONSIDERED, Movant prays that, counsel be allowed to withdraw as the attorney of record for the Plaintiff in the above entitled and numbered cause, and for such other and further relief to which Movant may show itself justly entitled at law or in equity.

**Respectfully submitted,**

**PONCIO LAW OFFICES  
A Professional Corporation  
5410 Fredericksburg Rd., Suite 109  
San Antonio, Texas 78229-3550  
Telephone: (210) 212-7979  
Facsimile: (210) 212-5880**

**By: /s/ Alan Braun**

**ADAM PONCIO  
State Bar No. 16109800  
THOMAS N. CAMMACK, II  
State Bar No. 24073762  
ALAN BRAUN  
State Bar No. 24054488**

**CERTIFICATE OF CONFERENCE**

On, April 11, 2018, I discussed this motion with counsel for Defendant and they indicated they were opposed to this motion.

/s/Alan Braun  
Alan Braun, Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on April 11, 2018, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the counsel of record in this case for each party.

/s/Alan Braun  
Alan Braun